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9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. **2011-242**

13 **WILLIAM T. BROWN, RN**  
1971 Yolanda Way, #A  
14 **Tustin, CA 92782**

**ACCUSATION**

15 **Registered Nurse License No. 455698**

16 Respondent.

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18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
21 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department  
22 of Consumer Affairs.

23 2. On or about August 31, 1990, the Board of Registered Nursing issued Registered  
24 Nurse License Number 455698 to William T. Brown, RN (Respondent). The Registered Nurse  
25 License was in full force and effect at all times relevant to the charges brought herein and will  
26 expire on December 31, 2011, unless renewed.

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## JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

6. Section 2811(b) provides, in pertinent part, that each license not renewed in accordance with this section shall expire but may within a period of eight years thereafter be reinstated upon payment of the biennial renewal fee and penalty fee required by this chapter and upon submission of proof of the applicant's qualifications as may be required by the board, except that during such eight-year period no examination shall be required as a condition for the reinstatement of any such expired license which has lapsed solely by reason of nonpayment of the renewal fee.

## STATUTORY PROVISIONS

7. Section 490 of the Code states:

"A board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action which a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition

1 of sentence, irrespective of the subsequent order under the provisions of Section 1203.04 of the  
2 Penal Code."

3 8. Section 493 provides, in pertinent part, that the record of conviction of a crime shall  
4 be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the  
5 board may inquire into the circumstances surrounding the commission of the crime in order to fix  
6 the degree of discipline or to determine if the conviction is substantially related to the  
7 qualifications, functions, and duties of the licensee in question.

8 9. Section 2761 of the Code states:

9 "The board may take disciplinary action against a certified or licensed nurse or deny an  
10 application for a certificate or license for any of the following:

11 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

12 "...

13 "(f) Conviction of a felony or of any offense substantially related to the qualifications,  
14 functions, and duties of a registered nurse, in which event the record of the conviction shall be  
15 conclusive evidence thereof."

### 16 REGULATORY PROVISIONS

17 10. California Code of Regulations, title 16, section 1444, states:

18 "A conviction or act shall be considered to be substantially related to the qualifications,  
19 functions or duties of a registered nurse if to a substantial degree it evidences the present or  
20 potential unfitness of a registered nurse to practice in a manner consistent with the public health,  
21 safety, or welfare. Such convictions or acts shall include but not be limited to the following:

22 "(a) Assaultive or abusive conduct including, but not limited to, those violations listed in  
23 subdivision (d) of Penal Code Section 11160.

24 "..."

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1 11. California Code of Regulations, title 16, section 1445, states:

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3 "(b) When considering the suspension or revocation of a license on the grounds that a  
4 registered nurse has been convicted of a crime, the board, in evaluating the rehabilitation of such  
5 person and his/her eligibility for a license will consider the following criteria:

6 "(1) Nature and severity of the act(s) or offense(s).

7 "(2) Total criminal record.

8 "(3) The time that has elapsed since commission of the act(s) or offense(s).

9 "(4) Whether the licensee has complied with any terms of parole, probation, restitution or  
10 any other sanctions lawfully imposed against the licensee.

11 "(5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the  
12 Penal Code.

13 "(6) Evidence, if any, of rehabilitation submitted by the licensee."

14 **COST RECOVERY**

15 12. Section 125.3 of the Code provides, in pertinent part, that the  
16 Board/Registrar/Director may request the administrative law judge to direct a licensee found to  
17 have committed a violation or violations of the licensing act to pay a sum not to exceed the  
18 reasonable costs of the investigation and enforcement of the case.

19 **FIRST CAUSE FOR DISCIPLINE**

20 **(May 15, 2003, Criminal Conviction for Misdemeanor Child Abuse on April 20, 2003)**

21 13. Respondent is subject to disciplinary action under Code sections 490 and 2761,  
22 subdivision (f), for a criminal conviction that is substantially related to the qualifications,  
23 functions, and duties of a registered nurse. The circumstances are as follows:

24 14. On or about May 15, 2003, in a criminal proceeding entitled *People v. William*  
25 *Tristan Brown*, in the Superior Court of California, County of Orange, Central Justice Center,  
26 Case No. 03CM03339, Respondent was convicted on his plea of guilty of violating Penal Code  
27 section 273a(a) (Misdemeanor Child Abuse).

1           15. The circumstances that led to the conviction are that on or about April 20, 2003,  
2 Tustin Police Officers responded to a call from Respondent's wife who reported that she and her  
3 10-year old daughter had just been beaten by Respondent. Upon arrival, officers interviewed  
4 Respondent's wife and two daughters, ages 5 and 10, who gave officers consistent statements as  
5 to the sequence of events just prior to the assault: Respondent, his wife and two daughters went  
6 to mass, which ended at approximately 12:00 p.m. On the way to the parking lot, Respondent  
7 began to mimic a song played during mass in a very loud and high-pitched voice. Respondent's  
8 wife asked him to please stop. Respondent's 10-year-old daughter also asked Respondent to stop  
9 because his singing was annoying her. Respondent responded by yelling at all three, telling them  
10 he paid the bills, that they needed to respect him, and called them all "bitches." Respondent then  
11 threatened to slap the 10-year old daughter if she continued to say his singing was annoying her.  
12 Respondent's wife told Respondent that if Respondent slapped the 10-year-old daughter, that the  
13 wife would slap him. Respondent proceeded to strike his wife with a closed fist using a lateral  
14 swing to hit her on the left bicep/upper arm area. He immediately followed the strike with an  
15 open palm blow/slap to the wife's left cheek/mouth area. Respondent then grabbed his wife by  
16 the left arm/shoulder area and started shaking her violently, all while he was driving, and the van  
17 swerved back and forth across lanes of traffic. Respondent's 10-year-old daughter yelled out to  
18 Respondent to stop, and Respondent reached back and pushed and slapped the 10-year-old  
19 daughter, who was seated in the center of the van's middle seat.

20           16. After striking his wife and 10-year-old daughter, Respondent continued to be verbally  
21 abusive towards his wife and two daughters calling them "bitches," and telling them "you have  
22 the evil inside you," "you need to go to church to learn how to be holy people." Respondent then  
23 asked the wife and two daughters, "Where do you bitches want to eat?" and when they responded  
24 that they were not hungry, Respondent stated, "well, I'm fucken hungry, so where do you bitches  
25 want to eat?" None of them responded and Respondent drove to a Boston Market and everyone  
26 got out of the vehicle.

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1        17. Once inside Boston Market, Respondent's wife went inside the restroom and called  
2 the police, Respondent demanded she come out and, when she did not comply, Respondent used a  
3 small key from his key chain to open the restaurant's restroom door.

4        18. When officers arrived, Respondent went to meet the officers and Respondent  
5 approached his 10-year-old daughter and told her, "... your mother must have called the police,  
6 don't tell them anything or I'll go to jail." Officers then made contact with Respondent.

7        19. Respondent's wife told officers that she was deathly afraid of Respondent, that she  
8 believed he would kill her if he had the opportunity, and mentioned that Respondent had several  
9 guns at their residence and feared Respondent would one day use them against her. Respondent  
10 was arrested for child and spousal abuse and Respondent's firearms were booked by officers for  
11 safekeeping.

12        20. As a result of the above conviction, Respondent was placed on four (4) years formal  
13 probation, ordered to obey all laws, orders, rules and regulations, ordered to cooperate in any plan  
14 for psychiatric, psychological, alcohol and/or drug treatment or counseling, ordered not to own,  
15 use or possess any type of dangerous or deadly weapon, and ordered to attend a domestic violence  
16 program with enrollment by May 30, 2003. Respondent was also ordered to comply with a  
17 protective order not to have any contact with his wife and 10-year-old daughter, and ordered to  
18 complete eight hours of community service, and serve 30 days Caltrans physical labor.

19        21. On May 2, 2008, a hearing was held and Respondent's Petition for Relief under Penal  
20 Code sections 1203.4/1203.4a was granted because Respondent complied with the terms of  
21 probation, and Respondent's plea of guilty was set aside and the case was dismissed.

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